

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 19-cr-325 (MJD/TNL)

Plaintiff,

v.

ORDER

Brian Marquez Williams,

Defendant.

Harry Jacobs, Assistant United States Attorney, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 (for the Government); and

Karlowba R. Adams Powell, 835 Geranium Avenue East, St. Paul, MN 55106 (for Defendant).¹

This matter is before the Court, United States Magistrate Judge Tony N. Leung, on the Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3 and 26.2, ECF No. 15. A hearing was held on February 14, 2020. ECF No. 25. Assistant United States Attorney Harry Jacobs appeared on behalf of the United States of America (the "Government"). Attorney Karlowba R. Adams Powell appeared on behalf of Defendant. At the hearing, Defendant stated that he had no objection to the Government's motion. Tr. 3:1-3, ECF No. 35.²

¹ While this matter was under advisement, defense counsel was "indefinitely suspended from the practice of law . . . with no right to petition for reinstatement for 120 days," effective May 20, 2020. *In re Powell*, No. A18-1967, ___ N.W.2d ___, 2020 WL 2176994, at *8 (Minn. May 6, 2020) (per curiam). With no appearance yet by substitute counsel, the Court will, out of an abundance of caution, direct that the Clerk of Court mail a copy of this Order to Defendant at the Sherburne County Jail, 13880 Business Center Drive Northwest, Suite 200, Elk River, MN 55330-1692.

² The Court notes that the period for filing notices of intent to request redaction of the hearing transcript has expired and neither party has indicated that they intend to do so. *See* D. Minn. LR 5.5

The Government's motion seeks discovery available under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3, 16(b), and 26.2, as well as the establishment of deadlines for the disclosure of principal and rebuttal expert witnesses. The Government has proposed that principal experts be disclosed 30 days prior to trial and rebuttal experts be disclosed 10 days prior to trial. As stated above, Defendant had no objection to the Government's motion, and agreed to the Government's proposed timeline at the hearing. Tr. 3:1-9.

Therefore, **IT IS HEREBY ORDERED THAT** the Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3, and 26.2, ECF No. 15, is **GRANTED**. No later than 30 days prior to trial, the parties shall make their principal expert disclosures, and, no later than 10 days prior to trial, the parties shall make any rebuttal expert disclosures. *See* Fed. R. Crim. P. 16(a)(1)(G), (b)(1)(C).

Date: May 12, 2020

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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